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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12  
13 UNITED STATES OF AMERICA, } No. CR 07-0738 MMC

14 Plaintiff, } UNITED STATES' NOTICE OF  
15 v. } APPEAL

16 NOE ARIAS-ORDONEZ, }

17 Defendant. }

18  
19 Pursuant to 18 U.S.C. § 3731, the United States hereby appeals to the United  
20 States Court of Appeals for the Ninth Circuit the oral order of the district court issued  
21 May 28, 2008, dismissing the indictment in the above-captioned case.

22  
23 DATED: June 3, 2008

Respectfully submitted,

24 JOSEPH P. RUSSONIELLO  
25 United States Attorney

26  
27 OWEN P. MARTIKAN  
28 Assistant United States Attorney

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California, is a person over 18 years of age and discretion to be competent to serve papers, and is not a party of the within action.. The undersigned certifies that she caused a copy of

## **UNITED STATES' NOTICE OF APPEAL**

in the case of **UNITED STATES v. NOE ARIAS-ORDONEZ**, CR 07-0738 MMC to be served on the party or parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**Elizabeth Falk, AFD  
Federal Public Defender's Office  
450 Golden Gate Avenue, 19<sup>th</sup> Floor  
San Francisco, CA 94102**

X (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

(By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

— (By USPS Regular Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

(By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct, and executed in San Francisco, California.

Dated: June 4, 2008

  
HUI CHEN  
United States Attorney's Office